

IN THE IOWA DISTRICT COURT FOR MITCHELL COUNTY

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|----------------------------|---|----------------------------|
| STATE OF IOWA ex rel. IOWA |) | |
| DEPARTMENT OF NATURAL |) | NO. EQCV015506 |
| RESOURCES, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER GRANTING |
| |) | JUDGMENT ON DEFAULT |
| GARY D. EGGERS, |) | |
| |) | |
| Defendant. |) | |

The Court having been presented with Plaintiff's Petition and Plaintiff's Motion for Judgment on Default against Defendant Gary D. Eggers ("Eggers"), and having examined the record and being fully advised in the premises FINDS:

1. The Court has jurisdiction of the parties and of the subject matter of this action;
2. Eggers received legal and timely notice of the Plaintiff's Petition;
3. Eggers failed to move or plead in response to Plaintiff's Petition as required by Iowa R. Civ. P. 1.303;
4. Eggers is in default as defined by Iowa R. Civ. P. 1.971;
5. Default was entered by the Court; and
6. The Plaintiff is entitled to judgment on default pursuant to Iowa R. Civ. P. 1.973(2).

IT IS ACCORDINGLY ORDERED, ADJUDGED AND DECREED THAT:

7. Defendant Gary D. Eggers shall pay a civil penalty of one hundred thousand and no\100 dollars (\$100,000.00) for the violations described in Plaintiff's Petition. Eggers shall pay the penalty within ten (10) days of entry of this Order Granting Judgment on Default. Eggers shall pay interest pursuant to Iowa Code section 668.13 on any unpaid balance.

8. Payment of the penalty and interest shall be made payable to the State of Iowa and sent to Plaintiff's attorney, David S. Steward, at Hoover State Office Building, 1305 E. Walnut St., 2nd Floor, Des Moines, IA 50319.

9. Eggers shall pay the \$10,000 administrative penalty assessed by Administrative Order Nos. 2015-SW-04 and 2015-WW-19, plus interest at the rate of one and one-half percent (1.5%) per month or part of a month on the unpaid balance.

10. Eggers shall immediately cease, and is hereby enjoined from, dumping or otherwise depositing tires on his property by any person or business.

11. Within 60 days of this order, Eggers shall (1) recover and properly dispose of all tires discharged from his property to any water of the state; (2) remove from his property and properly dispose of all tires in excess of 500 passenger tire equivalents; and (3) certify in writing to the Iowa Department of Natural Resources the completion of the removal and proper disposal of tires, including the submission of all receipts and other documents verifying proper tire disposal.

12. Eggers is enjoined from performing any and all automobile salvage activities unless or until he obtains a NPDES General Stormwater Permit No. 1 from the DNR and obtains a vehicle recycler license from the Iowa Department of Transportation.

13. Eggers is permanently enjoined from any further violation of Iowa Code §§ 455B.186(1), 455B.307(1), 455D.11B and 455D.11(2); 567 Iowa Admin. Code 62.1(1), 100.4, 117.3(1), and 117.4(1)(a); and Administrative Order Nos. 2015-SW-04 and 2015-WW-19.

14. Costs of this action are taxed to Defendant Gary D. Eggers in the amount of \$185.00.



State of Iowa Courts

Type: ORDER FOR JUDGMENT

Case Number EQCV015506
Case Title STATE EX REL. IDNR V. GARY D. EGGERS

So Ordered

A handwritten signature in black ink, appearing to read "James M. Drew", written over a horizontal line.

James M. Drew, District Court Judge,
Second Judicial District of Iowa